HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5803 of 2006

Dated:19.02.2007

Between:

Sajja Subhash Chandra Bose and others.

…Petitioners.

and

Government of Andhra Pradesh, represented by its Secretary, Revenue Department, Secretariat Building, Hyderabad. and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5803 of 2006

ORDER:

Petitioners assail the order, dated 08.04.2005, passed by the District Collector, Khammam, the 5th respondent herein, in exercise of powers under Section 28-B(2) of the Andhra Pradesh Forest Act, 1967 (for short "the Act").

Petitioners state that they are the owners of various extents of land in Sy.Nos.126/119, 122, 123 and 129 of Pandurangapuram Village, Palvancha Mandal, Khammam District, admeasuring about 43 acres. According to them, when there was a threat to their possession over the land in question from respondent No.15, they filed O.S.Nos.63 and 67 of 2006 in the Court of Principal Junior Civil Judge, Kothagudem, for the relief of perpetual injunction. It is stated that the order of temporary injunction was passed and it is in force. The grievance of the petitioners is that respondents 10 to 22 have obtained pattadar passbooks by misleading the concerned authorities and on the strength of the said title deeds, they approached the 5th respondent for grant of permission to cut the trees standing thereon. It is also their

case that the 5th respondent passed the impugned order contrary to the provisions of the Act and the Rules made thereunder.

On behalf of respondents 2, 3 and 8, learned Government Pleader for Forest filed a counter-affidavit in support of the impugned order. On behalf of respondents 10 to 22, a counter-affidavit is filed denying the allegations of the petitioners. It is stated that the petitioners do not have any right whatsoever in respect of the lands as regards which the permission was granted.

Heard Sri P.Satyaraja Babu, learned Counsel for the petitioners, learned Government Pleader for Forest and Sri A.Rajashekar Reddy, learned Counsel for respondents 10 to 22.

Respondents 10 to 22 have approached the 5th respondent with an application under Section 28-B of the Act, seeking permission to cut the tree growth. The extent covered is about 188 acres. The required reports were called for from the Revenue Divisional Officer and other concerned authorities. On being satisfied that the removal of trees is necessary, the permission was accorded.

On behalf of petitioners, several contentions, touching on the correctness of the title of respondents 10 to 22 over the land in question, were advanced. The fact, however, remains that the petitioners are claiming rights in respect of about 43 acres of land in Sy.Nos.126/119, 122, 123 and 129. A perusal of the impugned order discloses that no permission was accorded in respect of four survey numbers, referred to above. The petitioners cannot be said to have suffered any grievance on account of the impugned order. The contention of the learned counsel for the petitioners that respondents 10 to 22 are likely to cut the tree growth on the lands in four survey numbers, referred to above, under the guise of the impugned order, can be allayed by directing that respondents 10 to 22 shall not be entitled to cut the trees in the lands other than those referred to in the impugned order.

For the foregoing reasons, the Writ Petition is dismissed. It is,

however, directed that as long as the order of temporary injunction granted in favour of the petitioners in O.S.Nos.63 and 67 of 2006 on the file of the Principal Junior Civil Judge, Khammam, is in force, their possession shall not be interfered with and respondents 10 to 22 shall not cut the tree growth over the land in Sy.Nos.126/119, 122, 123 and 129. If the petitioners intend to dispute or challenge the title of the respondents over other lands, it shall be open to them to institute such proceedings as are available to them in law. There shall be no order as to costs.

Dt.19.02.2007 **L.NARASIMHA REDDY, J**

Note:Furnish C.C. in one week.
(B/o)
GJ